

Message Text

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PAGE 01 COLOMB 04533 101204Z

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ACTION NEA-10

INFO OCT-01 EUR-12 ISO-00 AID-05 CIAE-00 COME-00 EB-07
FRB-03 INR-07 NSAE-00 USIA-06 TRSE-00 XMB-02 OPIC-03
SP-02 CIEP-01 LAB-04 SIL-01 OMB-01 NSC-05 SS-15
STR-04 CEA-01 INT-05 AGRE-00 L-03 H-01 OES-06 CU-02
DOTE-00 IGA-02 DODE-00 PA-01 PRS-01 /111 W

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P 101141Z DEC 76

FM AMEMBASSY COLOMBO

TO SECSTATE WASHDC PRIORITY 6319

INFO AMEMBASSY NEW DELHI

AMCONSUL MADRAS

AMEMBASSY LONDON

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E.O. 11652:N/A

TAGS: PINT, SHUM, CE

SUBJECT: SUPREME COURT PANEL UPHOLDS VALIDITY OF EMERGENCY

REF: (A) COLOMBO 3444; (B) COLOMBO 4162 (NOTAL); (C) COLOMBO 4320
(NOTAL)

1. A FIVE MAN PANEL OF THE SUPREME COURT DECEMBER 10
UNANIMOUSLY OVERRULED A DECISION OF THE HIGH COURT-AT-
BAR (REF A) THAT THE EXISTING STATE OF EMERGENCY HAD BEEN
INCORRECTLY REDECLARED AFTER THE PROMULGATION OF THE
REPUBLICAN CONSTITUTION OF 1972. THE OUTCOME UPHOLDING THE EMERGENCY
WAS THUS A VICTORY FOR THE GOVERNMENT , WHICH HAS USED EMERGENCY
REGULATIONS FOR SUCH PURPOSES AS PRICE AND WAGE CONTROLS,
FOOD DISTRIBUTION, AND EXTENSION OF TERMS OF LOCAL GOVERNMENT
BODIES AS WELL AS PRESERVATION OF INTERNAL SECURITY.
THE PRESENT EMERGENCY WAS FIRST DECLARED IN MARCH 1971,
AT THE TIME OF AN ISLAND-WIDE YOUTH INSURGENCY.

2. THE CASE UNDER CONSIDERATION HAD INVOLVED FOUR
MEMBERS OF TH TAMIL UNITED LIBERATION FRONT, INCLUDING
THREE MP.P.'S, CHARGED WITH DISTRIBUTING SECESSIONIST
LITERATURE. THEIR TAMIL SUPPORTERS WHO CROWDED THE
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PAGE 02 COLOMB 04533 101204Z

COURTROOM AND HEARD THE DECISION GO AGAINST THEM WERE

MOLLIFIED TO HEAR THE ATTORNEY GENERAL DECLARE AFTER THE JUDGMENT THAT HE WOULD NOT PROSECUTE THE CASE FURTHER. IF THE CASE HAD BEEN SENT BACK TO THE HIGH COURT AND THE DEFENDENTS ULTIMATELY CONVICTED, THE SENTENCE WOULD UNDOUBTEDLY HAVE INCLUDED A PROHIBITION AGAINST SEEKING RE-ELECTION TO PARLIAMENT FOR SEVEN YEARS.

3. COMMENT: THE GOVERNMENT HAS BEEN GRADUALLY RELAXING THE EMERGENCY (REF C) AND SOME HAD SPECULATED THAT IT MIGHT HAVE BEEN LIFTED BY NOW BUT FOR THE JUDICIAL CHALLENGE TO ITS LEGALITY, WHICH THE GOVERNMENT DID NOT WISH TO LET STAND.
REED

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLITICAL REPRESSION, COURT DECISIONS, SECURITY CONTROLS
Control Number: n/a
Copy: SINGLE
Draft Date: 10 DEC 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976COLOMB04533
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760456-0618
From: COLOMBO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761255/aaaabvnn.tel
Line Count: 74
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 COLOMBO 3444, 76 COLOMBO 4162, 76 COLOMBO 4320
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 19 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 MAY 2004 by BoyleJA>; APPROVED <13 SEP 2004 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SUPREME COURT PANEL UPHOLDS VALIDITY OF EMERGENCY
TAGS: PINT, SHUM, CE
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006